

Message Text

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PAGE 01 STATE 201618

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FM SECSTATE WASHDC

TO AMEMBASSY KIGALI PRIORITY

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E.O. 11652: N/A

TAGS: CASC, RW

SUBJECT: DE GALBERG ESTATE

REF: (A) KIGALI A-49

(B) KIGALI 475

1. DEPARTMENT CONCURS IN YOUR PROPOSED DEMARCHE TO GOR
CONCERNING DE GALBERG ESTATE PROPERTY.

2. ON BASIS OF CONVERSATIONS WITH EXECUTOR, B. K. HAFFNER
(A DEPARTMENT OF COMMERCE EMPLOYEE) IT APPEARS DE GALBERG
DIED TESTATE (I.E. WITH A WILL) AND THAT HAFFNER WAS NAMED
BOTH AS EXECUTOR OF ESTATE AND AS SPECIFIC DEVISEE (HEIR)
OF REAL PROPERTY LOCATED IN RWANDA. HAFFNER REPORTS HE
MADE NUMEROUS EFFORTS TO COMMUNICATE WITH GOR BY MAIL AND
THROUGH RWANDAN EMBASSY HERE TO DETERMINE STATUS OF PROPERTY,
ITS TAX ASSESSMENTS AND NECESSARY PROCEDURES IN RWANDA FOR
ESTABLISHING HIS TITLE TO PROPERTY. HE NEVER RECEIVED ANY
RESPONSIVE COMMUNICATIONS. HE CONFIRMS, HOWEVER,
COMMUNICATIONS WITH BAPTISTS DESCRIBED REF (A).

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PAGE 02 STATE 201618

3. REFERENCED COMMUNICATIONS SUGGEST CBFMS AND GOR NOW REGARD PROPERTY AS A BILATERAL RATHER THAN TRILATERAL ISSUE THUS IGNORING HAFFNER'S OWNERSHIP INTEREST, WHICH, FROM U.S. LEGAL PERSPECTIVE, MIGHT BE DOMINANT IF NOT WAIVED THROUGH SOME ACTION OR INACTION ON HAFFNER'S PART.

FYI. FROM U.S. LEGAL PERSPECTIVE, OUR ABILITY TO SUPPORT HAFFNER'S INTERESTS WILL DEPEND UPON WHETHER HE CAN ESTABLISH HIS DILIGENCE IN EFFORT TO PERFECT HIS TITLE ON THE RECORD.

4. SINCE COURT OF APPEALS ERRONEOUSLY BELIEVED DE GALBERG DIED INTESATE WITHOUT HEIRS AND SINCE WE DOUBT GOR FAMILIAR WITH U.S. PRACTICE OF PROBATE OF ESTATES, HAFFNER'S STATUS AS SPECIFIC DEVISEE (INSTEAD OF JUST EXECUTOR) MIGHT BE SIGNIFICANT TO RWANDAN AUTHORITIES.

5. WE BELIEVE IT WOULD BE USEFUL FOR HAFFNER CONTACT CBFMS OFFICIAL FROM U.S. WHO, ACCORDING TO REF (B), RECENTLY VISITED RWANDA TO DISCUSS PROPERTIES PROBLEM. ACCORDINGLY, REQUEST EMBASSY TRANSMIT HIS NAME/ADDRESS IN U.S. IF AVAILABLE.

6. FOLLOWING ARE CHANGES TO DRAFT EMBASSY NOTE ATTACHED TO REF (A), WHICH EMBASSY NOW AUTHORIZED TO TRANSMIT.

A. CONFORM SPELLING OF DECEDENT'S NAME THROUGHOUT.

B. P. 1, 9TH LINE, DELETE "ARE A MATTER OF NEGOTIATION BETWEEN" AND INSERT "HAVE BEEN DISCUSSED BY".

C. DELETE SUBPARA A, PP. 1-2, AND SUBSTITUTE FOLLOWING NEW SUBPARAS A AND B:

QTE. A. THE EMBASSY UNDERSTANDS THAT THESE PROPERTIES BELONGED TO EUGENIE DE GALBERG, AN AMERICAN CITIZEN, WHO DIED ON MARCH 31, 1967 LEAVING A WILL WHICH NAMED B. K. HAFFNER, ALSO AN AMERICAN CITIZEN, BOTH AS EXECUTOR OF HER ESTATE AND AS HEIR TO HER PROPERTY IN RWANDA. MISS DE GALBERG'S WILL WAS ADMITTED TO PROBATE LIMITED OFFICIAL USE

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PAGE 03 STATE 201618

BY THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA WHICH ALSO APPROVED MR. HAFFNER'S SUCCESSFUL PERFORMANCE OF HIS DUTIES AS EXECUTOR OF THE ESTATE.

B. IN HIS CAPACITY AS EXECUTOR OF THE ESTATE AND HEIR TO THE PROPERTY IN RWANDA, MR. HAFFNER AUTHORIZED THE CONSERVATIVE BAPTIST FOREIGN MISSION SOCIETY, A RELIGIOUS NON-PROFIT ORGANIZATION WITH HEADQUARTERS IN THE

UNITED STATES, TO OCCUPY THE PROPERTY TEMPORARILY IN
RETURN FOR MAINTAINING IT. END QTE.

D. RELETTER SUBPARAS B AND C AT TOP OF P. 2.

E. REVISE BALANCE OF P. 2 AS FOLLOWS:

QTE. IN VIEW OF THE ABOVE, THE EMBASSY OF THE
UNITED STATES OF AMERICA REQUESTS THE MINISTRY OF FOREIGN
AFFAIRS AND COOPERATION TO ENSURE THAT THE ACTIONS OF THE
GOVERNMENT OF RWANDA CONCERNING THE ABOVE DESCRIBED
PROPERTY CONFORM TO RWANDAN LAW, RELEVANT COURT DECISIONS
AND INTERNATIONAL LAW RESPECTING THE NON-DISCRIMINATORY
TREATMENT TO BE ACCORDED THE PROPERTY OF FOREIGN
NATIONALS. SPECIFICALLY, THE EMBASSY REQUESTS THAT
POSSIBLE GOVERNMENTAL ACTIONS AFFECTING THE PROPERTY BE
WITHHELD PENDING SATISFACTORY RESOLUTION OF THE VARIOUS
INTERESTS IN THE PROPERTY ASSERTED BY B. K. HAFFNER, AN
AMERICAN CITIZEN NAMED AS HEIR TO THE PROPERTY IN MISS
DE GALBERG'S WILL AND BY MR. E. J. KILE, AN AMERICAN
CITIZEN REPRESENTING BOTH THE INTERESTS OF THE ASSOCIATION
OF BAPTISTS OF RWANDA AND THE CONSERVATIVE BAPTIST FOREIGN
MISSION SOCIETY. END QTE. KISSINGER

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